

Nisqually National Wildlife Refuge

Thurston and Pierce Counties, Washington



Record of Decision for the **Final Comprehensive Conservation Plan and Environmental Impact Statement**

U.S. Fish and Wildlife Service



November 2004

Record of Decision

For the
Final Comprehensive Conservation Plan and Environmental Impact Statement

U.S. Department of the Interior, Fish and Wildlife Service
Nisqually National Wildlife Refuge
Thurston and Pierce Counties, Washington

This Record of Decision (ROD) presents the decision regarding the selection of a Comprehensive Conservation Plan for Nisqually National Wildlife Refuge. It includes a brief summary of the alternatives considered, public involvement in the decision making process, and the reasons for selecting Alternative D for implementation. The Nisqually National Wildlife Refuge Comprehensive Conservation Plan will provide management guidance for conservation of refuge resources and public use activities during the next 15 years.

Alternatives Considered

The U.S. Fish and Wildlife Service (Service) evaluated the following four alternatives contained in the Final Comprehensive Conservation Plan and Environmental Impact Statement (CCP/EIS) for the management of Nisqually National Wildlife Refuge (Nisqually NWR, Refuge).

Alternative A: This alternative, the No Action Alternative, assumes no change from current management and is considered the base from which to compare the other alternatives. There would be no changes to the Refuge boundary and no major changes in habitat management or public use programs.

Alternative B: This alternative would provide for moderate expansion of the Refuge boundary (2,407-acre addition). It places new management emphasis on the restoration of estuarine habitat and improved freshwater wetland management. The current environmental education program would be improved and expanded to the largest degree of all action alternatives. There would be fewer changes to the trail system than in other action alternatives, and the Refuge would remain closed to waterfowl hunting, with the closure posted and enforced.

Alternative C: This alternative would provide for the same expansion of the Refuge boundary as in Alternative B; however, it places a stronger emphasis on the restoration of estuarine habitat, while improving freshwater wetland and riparian habitats. The environmental education program would be improved and expanded, although serving fewer students than in Alternative B. Moderate changes would occur to the trail system. The largest portion of Refuge land would be opened to waterfowl hunting of any alternative. Refuge and State lands would be consolidated into a waterfowl hunting area totaling 1,170 acres. Hunting would be limited to 3 days per week, if an agreement can be reached with Washington Department of Fish and Wildlife (WDFW).

Alternative D, (Preferred Alternative): This alternative provides the largest potential Refuge boundary expansion (3,479-acre addition). It will also maximize estuarine restoration, while improving freshwater wetland and riparian habitats on the Refuge. The environmental education program will be improved and expanded, although not to the level described in Alternative B. The trail system will greatly change under this alternative. A smaller portion of Refuge lands will be opened to waterfowl hunting, 7 days per week, with no changes to hunting on WDFW lands. Additional details regarding the Preferred Alternative are as follows:

Refuge Expansion – The Approved Refuge boundary will be expanded by 3,479 acres for a total authorized boundary of 7,415 acres. Land protection will occur through agreement, easement, or acquisition from willing sellers including 512 acres of forested corridor north of I-5, along the East Bluff; 1,952 acres of freshwater wetland, riparian, and forested habitat in the Nisqually River Valley; and 1,011 acres of the Nisqually River corridor south of I-5. Efforts will be made to strengthen partnerships within the watershed to improve habitat protection.

Habitat Restoration – A large portion of the Nisqually estuary will be restored, by removing sections of the Brown Farm Dike to restore 699 acres of former estuarine habitat and allow the Nisqually River and McAllister Creek to flow more naturally. As a result of estuarine restoration, freshwater wetlands will be reduced from 1,000 acres to 263 acres within currently owned Refuge lands. The establishment of 5 new interior management units and more intensive management will improve wetland habitat quality of the 263 acres. An additional 38 acres of riparian/surge plain habitat will be restored along the Nisqually River.

Environmental Education - The environmental education program will be expanded and improved to serve 15,000 students annually. There will be increased field trip support, teacher training, and site-specific materials and curriculum developed. Efforts will be made to develop a cooperative management agreement for the Luhr Beach area including the Nisqually Reach Nature Center as part of the environmental education program.

Wildlife Observation, Hiking, and Trail Configuration - The existing 5.5-mile dike trail loop will be reduced to a 3.5-mile round-trip trail, including a boardwalk extension into the estuary. A new 2.5-mile loop trail will be developed on tribal and Refuge lands east of the Nisqually River along with a visitor contact station and parking area.

Waterfowl Hunting - The Refuge will open 191 acres to boat-access waterfowl hunting. Hunting will be permitted 7 days per week during the hunting season with a 25 shells per day limit. The Refuge hunt area will form a single block with the State hunt area north of the Brown Farm Dike. The Research Natural Area (RNA) will be reduced in size by 29 acres to allow for hunting and to square off the Refuge hunt area with adjacent State hunting areas.

Fishing - Boat fishing opportunities will be similar to current conditions except the RNA fishing closure will be enforced and tidal restoration areas will be closed to fishing. Due to removal of the dike, bank fishing will no longer be available along McAllister Creek. New land access fishing opportunities will be explored including the possibility of bank fishing access on the east

side of the Nisqually River and an accessible fishing site at the Nisqually River Overlook.

Boating - A speed limit of 5 mph will be established in all Refuge waters. The RNA will be closed to boating from October 1 through March 31 each year to provide sanctuary for migratory birds and other wildlife. A cooperative management agreement for the Luhr Beach boat ramp area will be sought to enhance Refuge outreach efforts and provide Refuge boating regulations information.

Full implementation of this alternative will require additional staff and funding. Step down planning and compliance will also have to be carried out to meet compliance requirements.

Environmentally Preferable Alternative

The alternative which causes the least damage to the biological and physical environment and best protects, preserves, and enhances natural resources is Alternative D, the Preferred Alternative. Alternative D includes the largest amount of Refuge expansion (3,479 acres), which will provide the greatest land protection potential of all the alternatives. This alternative also includes the largest amount (699 acres) of high priority estuarine habitat restoration than any other alternative. Benefits to Federally listed chinook salmon as well as other estuarine associated species will be greatest under this alternative.

Public Involvement and Comments Received

Public comment has been requested, considered, and incorporated throughout the planning process in numerous ways. Public outreach has included open houses, public meetings, technical workshops, planning update mailings, and Federal Register notices. Four previous notices were published in the Federal Register concerning this CCP/EIS (62 FR 52764, October 9, 1997; 65 FR 6390, February 9, 2000; 67 FR 78009, December 20, 2002; and 69 FR 53084, August 31, 2004). Numerous national, state, and local organizations; agencies; neighboring landowners; and interested citizens were involved in the review process. Comments and concerns received early in the planning process were used to identify issues and draft preliminary alternatives. During the Draft CCP/EIS comment period that occurred from December 20, 2002 to February 21, 2003, the Service received a total of 1,717 comments (email, letters, faxes, postcards, comment sheets, visits, or telephone calls). All substantive issues raised in the comments on the Draft CCP/EIS have been addressed through revisions incorporated into the Final CCP/EIS text or responses contained in Appendix M of the Final CCP/EIS. With a few exceptions, most guidelines and actions in Alternative D of the Final CCP/EIS remain consistent with those presented in the Draft CCP/EIS.

Responses to Comments Received On the Final CCP/EIS

The Service issued a Final CCP/EIS on August 31, 2004. We received comment letters from two Federal agencies in addition to a few notes and phone calls that were generally in support of the preferred alternative. The comments received on the Final CCP/EIS did not raise new issues or result in changes to the analysis or to the preferred alternative in the Final CCP/EIS.

The Department of Army, Fort Lewis submitted a letter indicating they do not support the transfer of military lands to the Nisqually Refuge because these areas are required to support military activities including training exercises; and military, public and tribal recreational use, etc. Communications between the U.S. Fish and Wildlife Service and Fort Lewis have occurred throughout the planning process. Both agencies have agreed to continue participation in appropriate meetings to facilitate ongoing activities and uses of federally owned properties located adjacent to the Nisqually River.

National Marine Fisheries Service submitted a letter supporting the preferred alternative in the Final CCP/EIS. Specifically, they stated support for refuge expansion and estuarine restoration in the preferred alternative, as these actions are likely to have a significant benefit to listed salmon species and their future conservation.

Decision

The Service has selected Alternative D, the Preferred Alternative, as specified in the Final CCP/EIS as the Comprehensive Conservation Plan for Nisqually National Wildlife Refuge. Alternative D is the most effective alternative at addressing the key issues and conflicts identified during the planning process and will best achieve the purposes and goals of the Refuge, as well as the goals of the National Wildlife Refuge System. Implementation of the CCP will occur over the next 15 years. This decision includes adoption of stipulations and mitigation measures referenced in the Measures to Minimize Environmental Harm section below.

Factors Considered in Making the Decision

In reaching this decision the Service reviewed and considered: the impacts identified in Chapter 4 of the Draft and Final CCP/EIS; results of the various studies and surveys conducted in conjunction with the Draft and Final CCP/EIS; relevant issues, concerns, and opportunities presented by agencies, organizations, and individuals throughout the planning process including comments on the Draft and Final CCP/EIS; and other relevant factors, including the purposes for which the Refuge was established, and statutory and regulatory guidance. For the following reasons Alternative D was selected for implementation:

Alternative D provides the greatest amount of Refuge expansion and the highest potential to improve protection of the Nisqually delta and the lower watershed. The areas identified within the expanded boundary will provide crucial fish and wildlife habitat for a variety of migratory

birds and salmonids. This expanded boundary has the potential to be more effective in protecting habitat quality, connectivity, water quality, and areas important for wildlife that move throughout the Nisqually delta and lower watershed. This alternative best responds to the increasing development, habitat fragmentation, and other human pressures in the surrounding areas.

Alternative D provides the greatest amount of estuarine restoration and restores a large part of the historic Nisqually estuary. Estuarine habitat is severely depleted within Puget Sound and the Pacific Northwest. Restoration of this amount of estuarine habitat will result in a 46% increase in intertidal emergent (saltmarsh) habitat in southern Puget Sound. Estuarine restoration in the Nisqually estuary has been identified as the highest recovery priority for threatened chinook salmon in the Nisqually watershed. This action will be an important contribution to recovering chinook salmon and will benefit a variety of migratory birds, including waterfowl, shorebirds, seabirds, and wading birds.

Alternative D will contribute the most to riparian habitat protection and restoration along the Nisqually River and McAllister Creek, primarily through Refuge expansion and riparian habitat restoration, including the restoration of 38 acres of key riparian habitat within the estuarine restoration site. Riparian habitat is a depleted habitat that is extremely important for a variety of landbirds, including many passerines, and directly benefits salmon and many migratory birds.

Alternative D will improve the management of 263 acres of freshwater wetland habitat through the creation of five manageable units and more intensive water and habitat management measures. Acquisition of areas that could be restored to freshwater wetland habitat will be a high priority within the Refuge expansion area.

Alternative D provides an achievable balance of opportunities for all six wildlife-dependent priority public uses (hunting, fishing, wildlife observation and photography, environmental education, and interpretation), while providing sufficient protection and sanctuary areas for fish, wildlife, and habitat. Implementation of the waterfowl hunting program in Alternative D will eliminate unauthorized hunting and consolidate State and Refuge hunting areas. Access to various habitats will still be provided and additional trails will be developed over time on existing and acquired Refuge lands, and adjacent tribal lands. Alternative D will greatly enhance the quality of the environmental education program and triple the number of students currently served by the program. In addition, other public use facilities will be expanded and improved.

Alternative D provides an improved degree of wildlife and habitat protection from human-caused disturbance and minimizes conflicts among the various user groups. Adequate sanctuary for fish and wildlife will be ensured through boat speed restrictions; seasonal closures in the Research Natural Area and enforcement of RNA closures to consumptive uses; clearly defined and enforced hunting area boundaries; a daily limit of 100 students; trail configuration that minimizes habitat fragmentation; and enforcement of area closures to selected public uses. In addition, all public uses will be monitored to help assess disturbance effects on wildlife and habitat.

Alternative D incorporates several components addressing a variety of needs including fish and wildlife sanctuary; habitat restoration and protection; Refuge expansion; and the “big six” high priority public uses; however it is the unique combination of these components in Alternative D that contributes the most to achieving Refuge mission, purposes, and goals. Alternative D better prepares the Refuge to respond to rapidly changing conditions within a rapidly growing urban environment. It strengthens the monitoring of fish, wildlife, habitat, and public uses. It is the best alternative to ensure that the Refuge can make the greatest contribution to fish, wildlife, and habitat needs within the Nisqually River watershed and the greater Puget Sound region.

Measures to Minimize Environmental Harm

Public concerns, potential impacts, and measures or stipulations to mitigate those impacts are addressed in the Final CCP/EIS. All practicable measures to avoid or minimize environmental impacts that could result from implementation of Alternative D have been identified and incorporated into Chapter 2, Appendix G (Compatibility Determinations), and Appendix I (Goals, Objectives and Strategies) of the Final CCP/EIS. The stipulations identified in the Compatibility Determinations in Appendix G ensure that public and other uses are compatible with the purposes for which the Refuge was established. These compatibility determination stipulations and other mitigation measures identified for Alternative D in Chapter 2 and Appendix I are adopted by the Service in this Record of Decision and will be followed or enforced by Refuge staff and volunteers.

Findings Required by Other Laws and Executive Orders.

The proposed action complies with all Federal laws and Executive Orders (E.O.) related to the Comprehensive Conservation planning process at Nisqually NWR. A Compliance Statement has been prepared which explains how the proposed action complies with the requirements of the National Wildlife Refuge System Improvement Act (Public Law 105-57, Improvement Act); the National Environmental Policy Act (42 U.S.C. §4321 et seq.); the Coastal Zone Management Act; Section 7 of the Endangered Species Act; Section 106 of the National Historic Preservation Act; Comprehensive Environmental Response, Compensation and Liability Act (1980) CERCLA; The Uniform Relocation Assistance and Real Property Acquisition Policies Act; the Wilderness Act; E.O. 12898, Environmental Justice; E.O. 11988, Floodplain Management; E.O. 11990, Protection of Wetlands; E.O. 12372, Intergovernmental Review; E.O. 13186, Protection of Migratory Birds; and E.O. 13175, Consultation and Coordination with Indian Tribal Governments.

For Further Information

For further information contact the Refuge Manager, Nisqually National Wildlife Refuge Complex, 100 Brown Farm Road, Olympia, Washington 98516, Phone (360) 753-9467. Copies of the Final CCP/EIS and subsequent Comprehensive Conservation Plan may be viewed at Nisqually National Wildlife Refuge and at the following libraries in Washington State:

Timberland Community Library in Olympia; Tacoma Public Library; University of Washington's Suzallo Library in Seattle; William J. Reed Library in Shelton; and the Evergreen State College Library in Olympia. The Final CCP/EIS and this ROD will be available for viewing and downloading online at <http://pacific.fws.gov/planning>.

signed by David B. Allen

11/1/04

Regional Director, Region 1

Date